IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6848 of 2007()

CRIME NO.343/07 OF CHERTHALA POLICE STATION)

PETITIONER/2ND ACCUSED

ABDUL BASHEER, S/O.ABDUL RASHID,
MOOZHIYIL HOUSE, CHAKKAKONAM P.O.,
KAROKULAM, NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6848 of 2007

Dated this the 13th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. Earlier applications for anticipatory bail and regular bail filed by him were dismissed by this Court. The petitioner continues in custody from 13.09.07. The alleged incident took place on 14.07.07. The petitioner was allegedly found to be in possession of 1225 litres of spirit.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer - a period of 60 days having already elapsed from the date of the arrest and the final report having not been filed so far, and I am satisfied that the petitioner is entitled to grant of regular bail now under the proviso to Section 167(2) Cr.P.C.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees Two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-